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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER ADILIO AJIATAS-
MAZARIEGOS

a/k/a WALTER ADILIO

MAZARIEGOS,

a/k/a WILSON REYES, and

a/k/a WILFRED CASTANEDA,

Defendant.

CR No. 08-70809 JCS

STIPULATION AND ~~PROPOSED~~ ORDER
EXCLUDING TIME UNDER FED. R. CRIM.
P. 5.1 and 18 U.S.C. § 3161

On December 4, 2008, the parties in this case appeared before the Court for the defendant's detention hearing. At that time, the parties requested, and the Court agreed, to set the date for the defendant's preliminary hearing or arraignment on December 18, 2008. The parties also requested that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the

1 time limits set forth in FRCP 5.1(c) be extended through December 18, 2008. The parties agree
 2 that, taking into account the public interest in prompt disposition of criminal cases, good cause
 3 exists for this extension.

4 The defendant also agrees to exclude for this period of time any time limits applicable
 5 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
 6 reasonable time necessary for continuity of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The
 7 parties also agreed that the ends of justice served by granting such a continuance outweighed the
 8 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

9 SO STIPULATED:

10 JOSEPH P. RUSSONIELLO
 11 United States Attorney

12
 13 DATED: December 10, 2008

14 _____ /s/
 15 TAREK J. HELOU
 16 Assistant United States Attorney


17 DATED: December 10, 2008

18 _____ /s/
 19 STEVEN G. KALAR
 20 Attorney for WALTER A. AJIATAS-MAZARIEGOS

21 For the reasons stated above, the Court finds that the extension of time for the defendant's
 22 preliminary hearing or arraignment through December 18, 2008 is warranted and that the ends of
 23 justice served by the continuance outweigh the best interests of the public and the defendant in a
 24 speedy trial. 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested
 25 continuance would deny the defendant effective preparation of counsel, and would result in a
 26 miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(iv).

27 SO ORDERED.

28 DATED: 12/10/08


 THE HONORABLE EDWARD M. CHEN
 United States Magistrate Judge